

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JOSEPH PILETTE,

Plaintiff,

v.

HORACE MANN INSURANCE COMPANY,

Defendant.

2:11-CV-0328-LRH-GWF

ORDER

Before the court is defendant Horace Mann Insurance Company's ("Horace Mann") brief that the amount in controversy exceeds \$75,000 as required by 28 U.S.C. § 1332(a). Doc. #9.<sup>1</sup>

On March 2, 2011, the court entered an order finding that defendants had failed to establish that removal on the basis of diversity jurisdiction was proper in their petition for removal (Doc. #1) and granted defendants the opportunity to establish that the amount in controversy between the parties exceeds \$75,000 as required by 28 U.S.C. § 1332(a).<sup>2</sup> Doc. #4.

Where, as here, it is not facially evident from the face of the complaint that the amount in controversy exceeds \$75,000, "the removing defendant bears the burden of establishing, by a

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<sup>1</sup>Refers to the court's docket

<sup>2</sup> 28 U.S.C. § 1332(a) provides that the district courts of the United States shall have original jurisdiction over all civil actions between citizens of different states where the amount in controversy, exclusive of interest and costs, exceeds \$75,000.

1 preponderance of the evidence, that the amount in controversy exceeds \$[75],000.” *Sanchez v.*  
2 *Monumental Life Ins. Co.*, 102 F.3d 398, 404 (9th Cir. 1996). Here, defendant Horace Mann  
3 contends that the amount in controversy requirement is met because plaintiff Joseph Pilette’s  
4 (“Pilette”) documented medical bills as of the date of the complaint, which are requested in full, are  
5 over \$100,000. Further, Pilette’s counsel has made a \$250,000 settlement demand against Horace  
6 Mann. *See* Doc. #9, Exhibit A. A plaintiff’s statement of damages after the filing of the complaint  
7 is relevant evidence establishing the amount in controversy. *See Cohen v. Petsmart, Inc.*, 281 F.3d  
8 837, 840 (9th Cir. 2002). Therefore, the court finds that defendants have proffered sufficient  
9 evidence establishing an amount in controversy greater than \$75,000. Accordingly, the court shall  
10 accept defendant’s removal of this action and exercise diversity jurisdiction over the complaint.

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12 IT IS THEREFORE ORDERED that defendant’s brief concerning removal (Doc. #9) is  
13 GRANTED.

14 IT IS SO ORDERED.

15 DATED this 3rd day of May, 2011.



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18 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE  
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